

2005 DRAFTING REQUEST

Bill

Received: **01/11/2005**

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Miller (608) 266-9170**

By/Representing: **Grant Huber**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Discrimination**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Miller@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Service animals; conformity with Americans with Disabilities Act

Instructions:

Redraft 2003 AB 332

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 01/12/2005	wjackson 02/08/2005		_____			State
/1	mbarman 02/16/2005		rschluet 02/08/2005	_____	lnorthro 02/08/2005	mbarman 02/16/2005	

FE Sent For:

<END>

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/?	gmalaise	1 wlj 2/8					
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FE Sent For:

<END>

-1618/1

2003 ASSEMBLY BILL 332Lps: Please
PWF

OTHER

May 13, 2003 - Introduced by Representatives MILLER, BERCEAU, SHERMAN, BOYLE, HINES, ALBERS, BALOW, MCCORMICK, PLOUFF, GIELOW and VAN ROY, cosponsored by Senators ROBSON, CARPENTER, RISSER and WIRCH, by request of Wisconsin Academy of Graduate Service Dogs, Incorporated and Wisconsin Council of the Blind. Referred to Committee on Public Health.

a blind, deaf, or mobility-impaired person may not be refused entrance into or use of

Regen

- 1 AN ACT *to repeal* 174.056 (title), 174.056 (1) (a), 174.056 (1) (b) and 174.056 (2);
 2 *to renumber and amend* 174.056 (1) (intro.); *to amend* 346.26 (1) and 346.26
 3 (2); and *to create* 106.52 (1) (fm), 106.52 (3) (am) 2., 106.52 (3) (am) 3. and
 4 106.52 (3) (am) 4. of the statutes; **relating to:** the full and equal enjoyment of
 5 a public place of accommodation or amusement by a person with a disability
 6 who is accompanied by a service animal.

guide dog, which is a

Analysis by the Legislative Reference Bureau

Under current law, a public place of accommodation or amusement (public accommodation) may not refuse to permit entrance into, or use of, the public accommodation by a blind, deaf, or mobility-impaired person because that person is being led by a dog specially trained, or being specially trained, to lead blind or deaf persons or to provide support for mobility-impaired persons (guide dog), or to the trainer of a guide dog because the trainer is accompanied by a guide dog, if the guide dog is wearing a harness or leash and special cape and if the person has presented, for inspection, credentials issued by a school for training guide dogs.

Current federal regulations promulgated under the American with Disabilities Act, however, require a public accommodation to modify its policies, practices, or procedures to permit the use of any service animal by a person with a disability in a public accommodation. Those regulations define a "service animal" as a guide dog, signal dog, or other animal that is individually trained to do work or perform tasks

① Similarly, a

may not be refused entrance into or use of a public accommodation

(plain)

ASSEMBLY BILL 332

for the benefit of a person with a disability, including the work or task of guiding a person with impaired vision, alerting a person with impaired hearing to intruders or sound, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

This bill conforms current law to those federal regulations by extending the Public Accommodations Law to cover any type of service animal, not just guide dogs, and by eliminating the requirements that a guide dog accompanying a person with a disability must wear a harness or leash and special cape and that the person with a disability who is accompanied by a guide dog must present credentials issued by a guide dog training school.

Specifically, the bill prohibits a public accommodation from refusing to permit entrance into, or use of, or from otherwise denying the full and equal enjoyment of the public accommodation to a person with a disability or to a service animal trainer because he or she is accompanied by a service animal; from charging a person with a disability or a service animal trainer a higher price than the regular rate, including a deposit or surcharge, for the full and equal enjoyment of the public accommodation because he or she is accompanied by a service animal; and from communicating that entrance into, or use of, or the full and equal enjoyment of the public accommodation will be denied to a person with a disability or a service animal trainer because he or she is accompanied by a service animal or that the patronage of such a person is unwelcome, objectionable, or unacceptable because he or she is accompanied by a service animal.

The bill applies to a service animal trainer only if the animal accompanying the service animal trainer is wearing a harness or a leash and special cape. Also, the bill does not prohibit a person who is accompanied by an animal from being asked whether the animal is a service animal that is required because of a disability or is an animal that is being trained to be a service animal and does not prohibit a service animal trainer from being required to produce a certification or other credential issued by a school for training service animals that the animal is being trained to be a service animal. The bill does, however, prohibit a person with a disability from being asked to produce documentation of his or her disability or a certification or other credential that the animal is trained as or is being trained to be a service animal.

The bill permits a service animal to be excluded from a public accommodation if accommodation of the service animal would result in a fundamental alteration in the nature of the accommodations, amusement, goods, or services provided or would jeopardize the safe operation of the public accommodation.

Finally, the bill requires a public accommodation to modify its policies, practices, and procedures to permit the full and equal enjoyment of the public accommodation by a person with a disability or a service animal trainer who is accompanied by a service animal. The bill requires those policies, practices, and procedures to ensure that a person with a disability or the service animal trainer who is accompanied by a service animal is not separated from the service animal, that the service animal is permitted to accompany the person with a disability or the service animal trainer to all areas of the public accommodation that are open to the general

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public, and that the person with a disability or the service animal trainer is not segregated from other patrons of the public accommodation.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 106.52 (1) (fm) of the statutes is created to read:

2 106.52 (1) (fm) "Service animal" means a guide dog, signal dog, or other animal
3 that is individually trained or is being trained to do work or perform tasks for the
4 benefit of a person with a disability, including the work or task of guiding a person
5 with impaired vision, alerting a person with impaired hearing to intruders or sound,
6 providing minimal protection or rescue work, pulling a wheelchair, or fetching
7 dropped items.

8 **SECTION 2.** 106.52 (3) (am) 2. of the statutes is created to read:

9 106.52 (3) (am) 2. The prohibitions specified in subd. 1. apply to a service
10 animal trainer only if the animal accompanying the service animal trainer is
11 wearing a harness or a leash and special cape. Subdivision 1. does not prohibit a
12 person who is accompanied by an animal from being asked whether the animal is a
13 service animal that is required because of a disability or is an animal that is being
14 trained to be a service animal and does not prohibit a service animal trainer from
15 being required to produce a certification or other credential issued by a school for
16 training service animals that the animal is being trained to be a service animal.
17 Subdivision 1. prohibits a person with a disability from being required to produce
18 documentation of his or her disability or a certification or other credential that the
19 animal is trained as or is being trained to be a service animal.

20 **SECTION 3.** 106.52 (3) (am) 3. of the statutes is created to read:

ASSEMBLY BILL 332**SECTION 3**

1 106.52 (3) (am) 3. A person may exclude a service animal from a public place
2 of accommodation or amusement if accommodation of the service animal would
3 result in a fundamental alteration in the nature of the accommodations, amusement,
4 goods, or services provided or would jeopardize the safe operation of the public place
5 of accommodation or amusement. If a service animal must be separated from the
6 person whom the service animal is accompanying, it is the responsibility of that
7 person to arrange for the care and supervision of the service animal during the period
8 of separation.

9 **SECTION 4.** 106.52 (3) (am) 4. of the statutes is created to read:

10 106.52 (3) (am) 4. A public place of accommodation or amusement shall modify
11 its policies, practices, and procedures to permit the full and equal enjoyment of the
12 public place of accommodation or amusement by a person with a disability or a
13 service animal trainer who is accompanied by a service animal. Those policies,
14 practices, and procedures shall ensure that a person with a disability or a service
15 animal trainer who is accompanied by a service animal is not separated from the
16 service animal, that the service animal is permitted to accompany the person with
17 a disability or the service animal trainer to all areas of the public place of
18 accommodation or amusement that are open to the general public, and that the
19 person with a disability or the service animal trainer is not segregated from other
20 patrons of the public place of accommodation or amusement.

21 **SECTION 5.** 174.056 (title) of the statutes is repealed.

22 **SECTION 6.** 174.056 (1) (intro.) of the statutes is renumbered 106.52 (3) (am) 1.
23 and amended to read:

24 106.52 (3) (am) 1. ~~No person who is an owner, lessee, proprietor, manager,~~
25 ~~superintendent, agent or employee of any place of public accommodation,~~

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SECTION 6

1 ~~amusement or recreation, including any inn, hotel, restaurant, eating place,~~
2 ~~barbershop, billiard parlor, store, public conveyance on land or water, theater,~~
3 ~~motion picture house, public educational institution or elevator; Subject to subds. 2.,~~
4 ~~3., and 4., no person may refuse to permit entrance into, or use of, any such~~
5 ~~accommodations, if the accommodations are available, to a blind, deaf or~~
6 ~~mobility impaired person for the reason that the person is being led by a dog~~
7 ~~specially trained, or being specially trained, to lead blind or deaf persons or to provide~~
8 ~~support for mobility impaired persons, or to the trainer of that kind of dog for the~~
9 ~~reason that the trainer is accompanied by that kind of dog if:~~ or otherwise deny the
10 full and equal enjoyment of any public place of accommodation or amusement to a
11 person with a disability or to a service animal trainer because the person with a
12 disability or the trainer is accompanied by a service animal; charge a person with a
13 disability or a service animal trainer a higher price than the regular rate, including
14 a deposit or surcharge, for the full and equal enjoyment of any public place of
15 accommodation or amusement because the person with a disability or the trainer is
16 accompanied by a service animal; or directly or indirectly publish, circulate, display,
17 or mail any written communication that the communicator knows is to the effect that
18 entrance into, or use of, or the full and equal enjoyment of any of the facilities of the
19 public place of accommodation or amusement will be denied to a person with a
20 disability or a service animal trainer because the person with a disability or the
21 trainer is accompanied by a service animal or that the patronage of a person with a
22 disability or a service animal trainer is unwelcome, objectionable, or unacceptable
23 because the person with a disability or the trainer is accompanied by a service
24 animal.

25 SECTION 7. 174.056 (1) (a) of the statutes is repealed.

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SECTION 8. 174.056 (1) (b) of the statutes is repealed.

SECTION 9. 174.056 (2) of the statutes is repealed.

SECTION 10. 346.26 (1) of the statutes is amended to read:

346.26 (1) An operator of a vehicle shall stop the vehicle before approaching closer than 10 feet to a pedestrian who is carrying a cane or walking stick which is white in color or white trimmed with red and which is held in an extended or raised position or who is using a ~~dog guide~~ service animal, as defined in s. 106.52 (1) (fm), and shall take such precautions as may be necessary to avoid accident or injury to the pedestrian. The fact that the pedestrian may be violating any of the laws applicable to pedestrians does not relieve the operator of a vehicle from the duties imposed by this subsection.

SECTION 11. 346.26 (2) of the statutes is amended to read:

346.26 (2) Nothing in this section shall be construed to deprive any totally or partially blind person not carrying the white or the red and white cane or walking stick or not using a ~~dog guide~~ service animal, as defined in s. 106.52 (1) (fm), of the rights of other pedestrians crossing highways, nor shall the failure of such totally or partially blind pedestrian to carry such cane or walking stick or to use a ~~dog guide~~ service animal be evidence of any negligence.

(END)

Barman, Mike

From: Huber, Grant
Sent: Wednesday, February 16, 2005 2:52 PM
To: LRB.Legal
Subject: Draft review: LRB 05-1618/1 Topic: Service animals; conformity with Americans with Disabilities Act

It has been requested by <Huber, Grant> that the following draft be jacketed for the SENATE:

Draft review: LRB 05-1618/1 Topic: Service animals; conformity with Americans with Disabilities Act